

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NATIONWIDE AMBULANCE SERVICES,
INC.,

Plaintiff,

v.

SYLVIA MATTHEWS BURWELL, *et al.*,

Defendants.

Civil Action No. 15-2505 (CCC)(MF)

ORDER

CECCHI, District Judge.

This matter comes before the Court on the motion of defendants Sylvia Matthews Burwell and the United States Department of Health and Human Services (“Defendants”) to dismiss this action under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(5). [ECF No. 5]. No opposition was filed in response to the present motion. On July 9, 2015, Magistrate Judge Mark Falk issued a Report and Recommendation that Defendant’s motion be granted on the grounds that Plaintiff is a corporation, no attorney has appeared on behalf of Plaintiff, and corporations may not proceed in federal court pro se. [ECF No. 6]; see also Osborne v. The Bank of the United States, 22 U.S. 738, 830 (1824) (“A corporation, it is true, can appear only by an attorney”). The deadline to file objections to Judge Falk’s Report and Recommendation was July 23, 2015, and no objections have been filed thereto. The Court has considered the submissions of the parties and Judge Falk’s Report and Recommendation, and for substantially the same reasons stated therein;

IT IS on this 2⁹th day of July, 2015,

ORDERED that this Court adopts Judge Falk's July 9, 2015 Report and Recommendation that Defendants' motion be granted [ECF No. 6]; and it is further **ORDERED** that this action is dismissed **without prejudice**; and it is further **ORDERED** that the Clerk shall close the file in this matter.

SO ORDERED.



CLAIRE C. CECCHI, U.S.D.J.